

IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF:

**A GRAY COLORED X-MOBILE TOUCH
SCREEN CELLULAR TELEPHONE, IMEI
#350523110945910, DESCRIBED IN
ATTACHMENT A, WHICH IS CURRENTLY
LOCATED AT THE DETROIT FEDERAL
PROTECTIVE SERVICE FIELD OFFICE; 477
MICHIGAN AVE, DETROIT, MI 48226**

Case No: 3:22MJ5215

FILED UNDER SEAL

**AFFIDAVIT IN SUPPORT OF AN APPLICATION UNDER RULE 41
FOR A WARRANT TO SEARCH AND SEIZE**

I, Special Agent Brandon Childs, a federal law enforcement officer with the Department of Homeland Security (DHS, Federal Protective Service (FPS), (hereinafter "affiant") being duly sworn, depose and state that:

INTRODUCTION

1. I am "an investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I have been a law enforcement officer with the Federal Protective Service (FPS) since January 2014. Since October of 2019, I have been a Criminal Investigator for FPS' Michigan and the Northern Ohio area of operations.

3. I am currently assigned to the FPS Detroit Field office, which includes the investigation

of all crimes on or towards persons or federal property controlled by the General Service Administration.

4. I have completed the Federal Law Enforcement Training Center's Uniformed Police Training Program, Criminal Investigator Training Program, Advanced Interviewing for Law Enforcement Investigators Training Program, the FPS agency specific Advanced Individual Training Program, and the FPS Special Agent Basic Training Program. I attended the FPS Field Training Evaluation Program Instructors course to train and prepare new law enforcement officers for field duty. I have received training and experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, and various other crimes.

5. Prior to holding this position, I was employed as a US Army Infantry Staff Non-Commissioned Officer Section Sergeant for the 1st Squadron, 89th Cavalry Regiment, 2nd Brigade Combat Team, 10th Mountain Division.

6. This affidavit is based on my investigation, and information provided to me by others. This affidavit is submitted for the limited purpose of establishing probable cause and does not set forth all information known to me about the investigation.

7. I am conducting an investigation into violations of Title 18, United States Code, Section 875(c), interstate communications containing a threat to injure (the "Target Offenses").

8. In the course of conducting this investigation, I have been involved in the use of the following investigative techniques: monitoring physical surveillance, consensual monitoring and

recording of both telephonic and non-telephonic communications and analyzing telephone caller identification system data.

9. Based on my investigation, there is probable cause to believe that evidence related to violations of the Target Offense is contained within the electronic device which was seized at premises (the “Target Premises”): 722 Church Street, Toledo, Ohio 43605, further described in Attachment A.

10. I am requesting authority, pursuant to Rule 41 of the Federal Rules of Criminal Procedure, to search the electronic device as described in Attachment A, for the items listed in Attachment B.

11. The information in this affidavit is based on my personal knowledge, information provided by other law enforcement officers, individuals, and the reports and memoranda of other law enforcement officers. The information in this affidavit is provided for the limited purpose of establishing probable cause in connection with an application for a search warrant. The information is not a complete statement of all the facts relating to this investigation.

12. This affidavit will establish that there is probable cause to believe that concealed within the electronic device there is evidence and/or fruits and instrumentalities of the crimes of: Threatening Communications, in violation of Title 18, United States Code, Section 875(c).

**BACKGROUND ON THREATENING COMMUNICATIONS AND CELLULAR
TELEPHONES**

13. Based on my training, experiences and participation in threat related investigations, and the training and experience of other Agents with whom I am working closely in this investigation, I know that:

- a. Individuals involved in illegal acts, such as threatening federal employees and contractors with violence, frequently maintain recordings, photographs, records, receipts, notes, ledgers, and other papers relating to these acts, to document their illegal activities. These documents include, but are not limited to, records showing the phone numbers of co-conspirators. Items used to facilitate their illegal acts are also frequently maintained by these individuals, including firearms and other weapons that may cause great bodily harm. It is also common for these individuals to maintain electronic devices that are used to facilitate and/or coordinate their criminal activities, to include, but not limited to, mobile telephones and other smart devices, which may be used to make recordings and access the internet.
- b. Individuals involved in illegal acts such as threatening federal employees often take photos of themselves, their associates, their property, and illegal contraband. These photos are usually maintained in their cellular telephones, computers, and electronic devices to maintain these pictures.

FACTS ESTABLISHING PROBABLE CAUSE

14. On June 01, 2022, between 10:49 a.m., and 5:13 p.m., the Federal Protective Service received notifications of an unknown male, later identified as JUSTIN CRAIG SHIREY, telephoning three (3) separate times the Law Enforcement Agents of the Department of Justice (DOJ), Drug Enforcement Administration (DEA)-Toledo Offices, and making threats to injure real

live agents and other law enforcement such as: "I'm sick of you guys, I'm going to shoot you up," "Bitch I'm not gonna play with your ass no more, one of y'all getting killed today," "I'll bust you in your fucking mouth right here, I'm not playing with you," "I'm fittin' to kill one of y'all," "what don't you get motherfucker, I'm gonna kill you," "you think this is a motherfucking game, like I won't bust you in your fucking mouth," "you know I'm fittin' to kill one of y'all, right?" "yeah bitch, ya'll fittin' to die motherfucker," "send anybody you got, TPD, anybody, I'll fuck em' up," "fuck you bitch I'll kill you," "one of ya'll will get killed you bitch," "if you keep disrespecting me motherfucker, you're gonna die," "you can take it how you want it, but I don't give a fuck, I will pull your gun right off you and shoot you with your own pistol, you dumb bitch," and "I'm not playing with you, put my money back on my card, you got like an hour."

15. After learning of the telephonic interaction, FPS responded to the Toledo DEA resident office; 433 North Summit Street, Toledo, Ohio 43604, and completed an incident report documenting the harassing telephonic communication. An investigation was initiated and found the unknown subject had phoned the DEA administrative line, (419) 259-6490 and made the aforementioned statements to an identified federal employee, hereinafter referred to as VICTIM 1(VC-1).

16. On June 01, 2022, an investigation into the phone number, (567) 329-8331, revealed the subscriber phone carrier company to be T-Mobile, where an exigent request for subscriber detail information, and phone location was executed on T-Mobile cellular on June 02, 2022. The incoming latitude and longitude coordinates revealed the phone was shown to be located at residence 722 Church Street, Toledo, Ohio 43605.

17. DEA Law Enforcement Agents established surveillance of the residence and confirmed a

white male, later identified as JUSTIN CRAIG SHIREY, screening the incoming phone calls when phoned by FPS and DEA Agents.

18. The Agents visually confirmed JUSTIN CRAIG SHIREY would intermittently leave the residence of 722 Church Street, Toledo, Ohio 43605 on foot throughout the day, where the location of the phone would also correlate the same location of his physical location.

19. JUSTIN CRAIG SHIREY was found to have been previously incarcerated at the Corrections Center of Northwest Ohio (CCNO) during the month of September 2021, where he had completed multiple telephonic calls to a person believed to be his mother at number (419) 575- 6800.

20. The number (419) 575-6800 was cross referenced on the provided T-Mobile subscriber detail report and was also found on the phone's call logs.

21. A voice sample was obtained from the CCNO of JUSTIN CRAIG SHIREY speaking to his mother, which was an identical match for the voice sample taken from the DEA Agent's recorded telephonic interaction of JUSTIN CRAIG SHIREY on June 01, 2022.

22. VC-1 is employed by the DEA and was engaged in the performance of their official duties when speaking to JUSTIN CRAIG SHIREY. FPS and DEA Agents confirmed with T-Mobile Wireless the phone calls transmitted by JUSTIN CRAIG SHIREY to the DEA were routed through Philadelphia, Pennsylvania before returning to the office located in Toledo, Ohio, meaning there is probable cause to believe the communications described herein were transmitted interstate.

23. On June 02, 2022, Special Agents with FPS and DEA reviewed NCIC information and conducted a query of the Ohio Law Enforcement Gateway pertaining to JUSTIN CRAIG SHIREY. He has a conviction for Theft, a felony of the Fifth Degree. Additionally, JUSTIN CRAIG SHIREY has multiple incarcerations in the State of Ohio at the Corrections Center of

Northwest Ohio.

24. A search of BMV records indicate JUSTIN CRAIG SHIREY uses 722 Church Street, Toledo, Ohio as his current home address and is listed on his driver's license.

25. JUSTIN CRAIG SHIREY has an active protection order out of the Lucas County Court of Common Pleas. The case number is DV-2017-0258. The protection order is valid through August 14, 2022. The protection order alleges that JUSTIN CRAIG SHIREY threatened to kill petitioner, locked petitioner in a bedroom for a period of time, and assaulted petitioner.

26. I know that individuals involved in telephonic threatening communications to United States Government facilities and employees will likely maintain items and tools used to propagate and commit such crimes at their residence. Individuals frequently maintain paper and electronic records containing the addresses, locations and other contact information and identifying information of locations which have been targeted. Individuals will maintain photos and records of their acts, which may be posted to social media for others to view.


27. In particular, I know that during the June 1, 2022, and threatening communications with the DEA, JUSTIN CRAIG SHIREY was communicating telephonically with federal employees of the DEA through a confirmed mobile telephone number. After completion of the Search Warrant, the electronic device used to initiate, or transmit those communications was found in the target premises, which may constitute evidence of a crime.

28. I know that individuals involved in illegal acts, such as threatening federal employees and contractors with violence, frequently maintain electronic devices that are used to facilitate and/or coordinate their criminal activities, to include, but not limited to, mobile telephones and other smart devices, which may be to make recordings and access the internet.

CONCLUSION

29. Based on the above information, there is probable cause to believe that there is probable cause to search the electronic device, as described in Attachment A, for evidence, fruits, and instrumentalities of violations of the Target Offense, as described in Attachment B.

Respectfully submitted,



Special Agent Brandon Childs
DHS, FPS

Sworn to via telephone on this 1st day of July 2022
after submission by reliable electronic means.
Fed.R.Crim.P.4.1 and 41(d)(3)



DARRELL A. CLAY
UNITED STATES MAGISTRATE JUDGE